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TSCA (Toxic Substances Control Act) Confidential Business Information Security Manual

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The procedures in this manual prescribe standards and establish responsibility and accountability for the control of documents and computer systems that contain Confidential Business Information (CBI) received by the U.S. Environmental Protection Agency (EPA) under the Toxic Substances Control Act (TSCA).

KEYWORDS: *Contractors, *Data processing security, *Computer information security, *Confidentiality.

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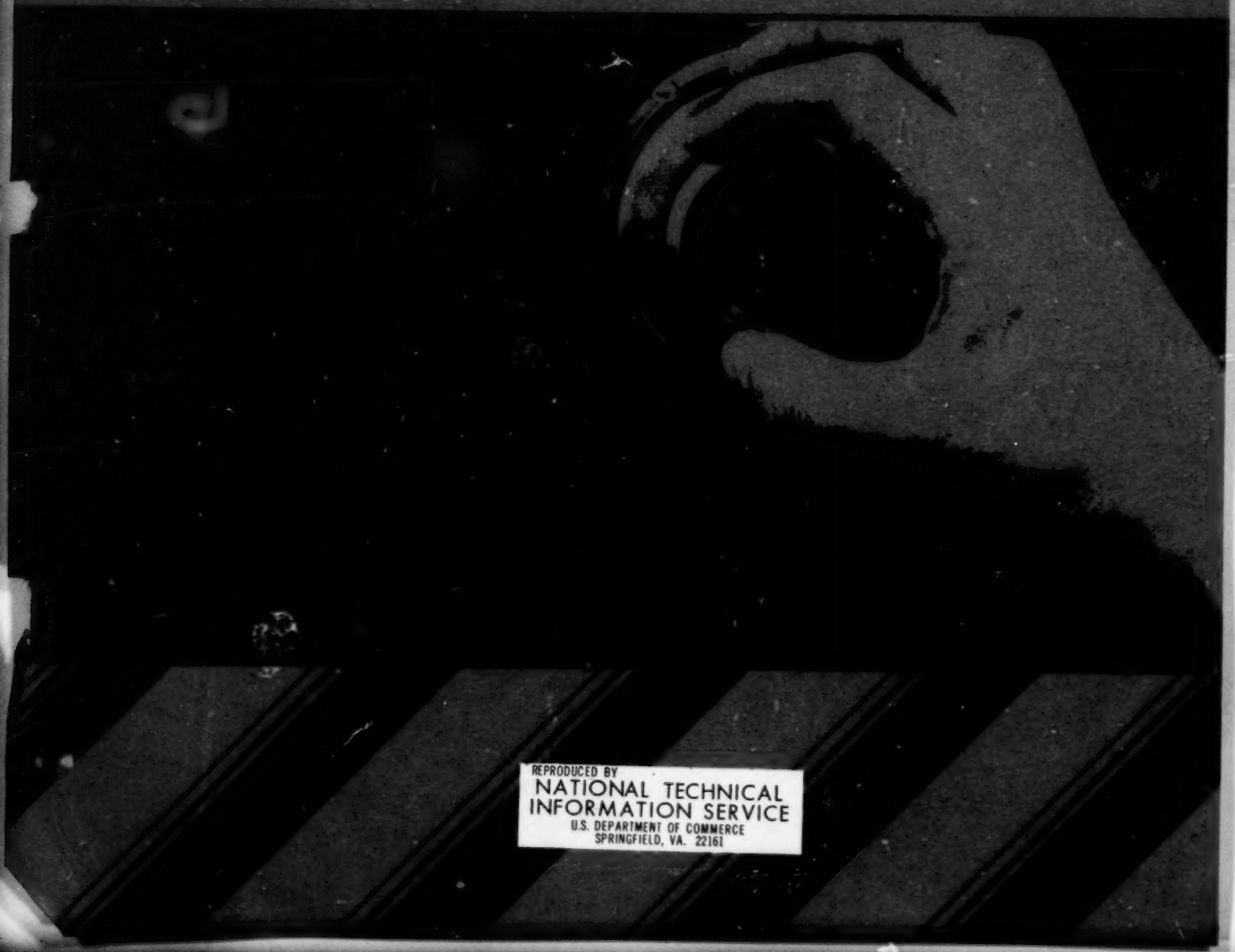

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TSCA CONFIDENTIAL BUSINESS INFORMATION SECURITY MANUAL

OCTOBER, 1984

United States Environmental Protection Agency
Washington, D.C. 20460

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Glossary of Acronyms

AA/OPTS	Assistant Administrator for Pesticides and Toxic Substances
ADP	Automated Data Processing
CBI	Confidential Business Information
CFR	Code of Federal Regulations
CIB	Chemical Information Branch
OD/OTS	Office Director for Toxic Substances
DCA	Document Control Assistant
DCO	Document Control Officer
DMB	Data Management Branch
DOJ	Department of Justice
EPA	United States Environmental Protection Agency
FSSD	Facilities and Support Services Division
GSB	General Services Branch
IAG	Interagency Agreement
IMD	Information Management Division
NACI	National Agency Check and Inquiries
OGC	Office of General Counsel
OIG	Office of the Inspector General
OIRM	Office of Information Resources Management
OPTS	Office of Pesticides and Toxic Substances
OTS	Office of Toxic Substances
TSCA	Toxic Substances Control Act

General access is the ability and opportunity to gain knowledge of TSCA CBI in any manner whatsoever including computer printouts.

The *Authorized Access List* is a compilation of the names of all employees who have been authorized for access to TSCA CBI. Included in the list are the employee's ID number, organizational location, type of access, and the date of the last security briefing attended. The list is updated and distrubuted on a monthly basis to all Document Control Officers and Document Control Assistants for use in the protection of TSCA CBI.

An *Authorized Computer Facility* is an EPA or contractor's computer facility that meets the Office of Toxic Substances security standards and that has been approved for handling TSCA CBI.

An *Authorized Person* is any person who is authorized, in accordance with the requirements of Chapter III, for access to TSCA CBI.

A *Briefing* is a meeting at which instruction is given regarding the use and safeguarding of TSCA CBI. Attendance on an annual basis is required for all employees authorized by the Director, IMD for access to TSCA CBI.

Computer Access is the ability to write and alter data from an EPA computer system or system established by a contractor which contains TSCA CBI, and is only granted to persons authorized for general access to TSCA CBI.

Confidential Business Information (CBI) is any information in any form received by EPA from any person, firm, partnership, corporation, association, or local, state, or Federal agency, or foreign government, which contains trade secrets or commercial or financial information, and which has been claimed as confidential by the person submitting it, and which has not been determined to be non-confidential under the procedures in 40 CFR Part 2.

A *Document* is any recorded information, regardless of its physical form or characteristics, including, without limitation: written or printed material; data processing card decks, printouts, tapes, discs, diskettes; maps and charts; paintings; photographs; drawings; engravings; sketches; samples; working notes and papers; and reproductions of such items by any means, including sound, voice, or visual electronic recordings in any form.

A *Document Control Assistant (DCA)* assists the Document Control Officer in performing duties related to information processing, document control, and security.

A *Document Control Number (DCN)* is the unique number assigned by a Document Control Officer or Assistant, or through computer-system numbering to a document containing TSCA CBI.

A *Document Control Officer (DCO)* or *Document Control Assistant (DCA)* is a person designated, in accordance with Chapter II, to be responsible for the security, control, and distribution of all TSCA CBI received by him/her.

The *Document Tracking System (DTS)* collects and stores general data and tracks the circulation of document copies by: automatically assigning document control numbers; tracking the life cycle of documents, including number of copies made, distributed, returned, and shredded; automatically calculating the completion dates of certain types of documents; validating data entries, analyzing document workload patterns and document profiles; flagging "overdue" documents, and supporting on-line updates and retrieval of information.

An *Employee* is any person employed on a full-time or part-time basis by the U.S. Environmental Protection Agency, including EPA Administrative Law Judges, other Federal Agencies, or contract firms.

A *Federal Agency* is any organization or entity comprised of United States officers or employees excluding the Federal Courts and Congress.

A *Secure Facility* is a building or portion of a building (room) that meets the requirements of this Manual for handling TSCA CBI and has been approved for securing TSCA CBI by the Director, IMD.

A *Submitter Representative* is an authorized representative of a company who may be permitted to review his/her company's own TSCA CBI submissions.

A *Violation* is the failure to comply with any provision in these procedures, or other Federal requirements governing the protection of TSCA CBI, whether or not such failure leads to actual unauthorized disclosure of TSCA CBI.

I. INTRODUCTION

The Assistant Administrator for Pesticides and Toxic Substances (AA/OPTS) is responsible for designing and implementing an Agencywide security program to control the receipt, handling, and dissemination of TSCA CBI. Requirements promulgated under this authority supplement, but do not supersede, general Agency regulations pertaining to Freedom of Information requests and confidentiality of business information set forth in 40 CFR Part 2.

The procedures in this manual prescribe standards and establish responsibility and accountability for the control of documents and computer systems that contain Confidential Business Information (CBI) received by the U. S. Environmental Protection Agency (EPA) under the Toxic Substances Control Act (TSCA) (15 U.S.C. § 2601 et seq.).

All reasonable measures must be taken to prevent the unauthorized disclosure of TSCA CBI. EPA employees and EPA contractor employees are prohibited from disclosing, in any manner or to any extent not authorized by law or EPA regulations, the TSCA CBI to which they have access in the course of performing their duties. Employees of other Federal agencies are also prohibited from disclosing TSCA CBI unless authorized by law and by the terms of their agreement with EPA regarding TSCA CBI released to them.

A. Applicable Federal Statutes and Regulations

- 15 U.S.C. § 2613, Disclosure of Data (TSCA).
- 5 U.S.C. § 552, Freedom of Information Act.
- 40 CFR Part 2, Confidentiality of Business Information.
- 41 CFR Chapter 15, Public Contracts and Property Management.

B. Security Violations

To operate a security system successfully, discipline must be maintained among employees. Any unauthorized disclosure of TSCA CBI may subject an employee to the following criminal penalties under TSCA § 14(d) (1):

> Criminal Penalty for Wrongful Disclosure--(1) Any officer or employee of the United States or former officer or employee of the United States, who by virtue of such employment or official position has obtained possession of, or has access to, material, the disclosure of which is prohibited by subsection (a), and who knowing that disclosure of such material is prohibited by such subsection, willfully discloses the material in any manner to any person not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000 or imprisoned for not more than one year, or both.

Chapter 5 and Appendix C of the *EPA Conduct and Discipline Manual* deal with this subject in depth. All employees, and especially supervisors, should become familiar with this publication. Pertinent excerpts from Chapter 5 and Appendix C of the *EPA Conduct and Discipline Manual* are included in Appendix I.

Corrective action, not mentioned in the *EPA Conduct and Discipline Manual* which may be taken by supervisors at the Division Director level and above, is removal of the name of the offending employee from the TSCA CBI Authorized Access List. Although removal from the Authorized Access List is an informal sure, it is a serious step and should be used cautiously. Additional penalties may be assessed, including dismissal. These procedures are outlined in the *EPA Conduct and Discipline Manual* [Chapter 5 and Appendix C, Table of Offenses and Penalties, 35(b)]. This step is designed to impress upon the employee the seriousness of his/her actions and to prevent further violations.

C. Authorization for Access to TSCA CBI

1. *Requesting Authorization for Access to TSCA CBI*

To receive authorization for access to TSCA CBI, the forms listed below must be completed and returned to Security, IMD.

Federal Employees/Consultants

General Access:
EPA Form 7740-6, Request for Authorized Access to TSCA CBI (Appendix VII)

Computer Access:
EPA Form 7740-6, Request for Authorized Access to TSCA CBI
EPA Form 7740-7, Request for TSCA CBI Computer Access Approval (Appendix VIII)

Summer Employees
EPA Form 7740-6; and if applicable, EPA Form 7740-7; and
Justification Memorandum from the Authorizing Official

Contractor Employees
EPA Form 7740-6; and if applicable, EPA Form 7740-7
SF-86, Security Investigation Data for Sensitive Position,
(original and 2 copies)
SF-85A, National Agency Check Data for Nonsensitive or Noncritical Position (must be typed)
OPM 329a, Authority for Release of Information, and
FD-258, Fingerprint Chart (no substitution)

All forms must be fully completed and signed and a security briefing attended. When the briefing is attended and the completed forms received by Security, IMD, the person may be authorized for access to TSCA CBI, and his/her name placed on the Authorized Access List. Security, IMD, will notify the appropriate DCO/DCA, who will in turn notify the employee. At EPA Headquarters all forms must be received by Security, IMD, before a briefing is attended.

Contractors employees must complete all required forms and submit them to their DCO, who will review them for accuracy and completeness and send them to the EPA Project Officer. The EPA Project Officer reviews and initials the forms and then forwards them to the Division Director who signs EPA Form 7740-6 as the authorizing official. After they are signed, the forms are transmitted to Security, IMD. All forms must be received by Security, IMD, before the security briefing may be attended.

Summer employees for a period of no more than 4 months, and temporary employees limited to 3 months, will not be authorized for access to TSCA CBI without the written authorization of the Director, IMD. Division Directors or above must submit to the Director, IMD, a memorandum of justification with the EPA Form 7740-6, *Request for TSCA CBI Access Approval*, explaining in detail why access is required. Access must be approved by the Director, IMD, prior to the employee's gaining access to TSCA CBI.

2. *Background Investigation and Related Forms*

All employees who will have access to TSCA CBI are required to undergo a background investigation. All Federal employees with permanent appointments or temporary appointments of 700 hours or more must complete investigation forms at the time they begin employment, and a Nacional Agency Check and Inquiries (NACI) investigation is immediately initiated.

If an investigation reveals information that reflects adversely on an employee's suitability or trustworthiness to handle TSCA CCI, OIG/Personnel Security will conduct an interview with the subject of the investigation to afford the individual the opportunity to explain, refute, or mitigate actionable security/suitability information developed in the investigation. OIG refers the results of the investigation and the interview to Security, IMD, and when warranted, to the employee's supervisor for a suitability determination.

3. *Authorizing Contractors for Access to TSCA CBI*

When a contract work statement and EPA Form 1900-8, Procurment Request/Order, are completed prior to the awarding of a contract, or modification of an existing contract, the EPA Project Officer must complete and insert in the package EPA Form 7710-15a, Request for Approval of Contract Access to TSCA Confidential Business Information (Appendix XV), for the contract being considered. The contract package must be sent to the Director, IMD, for concurrence prior to being forwarded to the OD/OTS for final approval.

Section 14(a)(2) of TSCA provides the authority for EPA to release TSCA CBI "to contractors with the United States and employees of such contractors if in the opinion of the Administrator such disclosure is necessary for the satisfactory performance by the contractor of a contract with the United States....for the performance of work in connection with [TSCA]..." EPA regulations require that EPA notify TSCA CBI submitters either by publishing a Federal Register notice (Appendix XIII) stating that a contractor will have access to TSCA CBI submitted to EPA or through letters to the affected submitters not less than 5 days before providing access.

It is the responsibility of the EPA Project Officer for the contract who will receive TSCA CBI to prepare the Federal Register notice or letters.

The Project Officer, after preparing the Federal Register notice or letters will have the document(s) signed by his/her division director and concurred upon by Security, IMD, the Chemical Information Branch (CIB), IMD, the Director, IMD, the Office of General Counsel (OGC), and the Federal Register Section, OPTS, and will have the document(s) signed by the Director, Office of Toxic Substances. Under no circumstances will TSCA CBI be transferred to an

EPA contractor, or other Federal agency contractor, before a Federal Register notice is published or notification letters are sent and the receiving facility is inspected and approved by Security, IMD.

It is the responsibility of the Project Officer of the contract to ensure that the Federal Register notice is published with sufficient time allowed for the contractor's facility to be inspected for on-site storage of TSCA CBI prior to the contract start date and in conjunction with other facilities within the same region in which that facility is located. The Project Officer should contact Security, IMD, upon awarding of the contract to ensure that sufficient lead time for the inspection is provided.

Security procedures for contractors and subcontractors are contained in a separate manual, *Contractor Requirements for the Control and Security of TSCA Confidential Business Information*, which also includes the procedures for solicitation and award of contracts (or modification of existing contracts) that involve receipt or handling of TSCA CBI.

4. *Maintaining the Authorized Access List*

The Authorized Access List must be kept current. By the 20th day of each month, every DCO/DCA in the Federal government and contractors' offices will send to Security, IMD, an updated copy of the Authorized Access List showing changes for their organization. A revised TSCA CBI Authorized Access List will be distributed by Security, IMD (by the fifth day of the next month) to Federal government and contractor offices handling TSCA CBI information. Copies of the list showing only the names of Federal government employees are distributed to EPA contractors and their subcontractors requiring the use of TSCA CBI. The names of contractor employees will not be released to other contractors.

When an employee who has had access to TSCA CBI terminates employment, no longer requires access, or transfers to a position not requiring access to TSCA CBI, he/she must be processed through the local DCO/DCA to ensure that all TSCA CBI documents have been returned and must sign EPA Form 7710-17, *Confidentiality Agreement for United States Employees Upon Termination or Transfer* (Appendix X). A copy of this agreement will be kept on file by the local DCO/DCA for 5 years; the original will be forwarded to Security, IMD. The local DCO/DCA will immediately delete the terminated or transferred employee's name from the TSCA CBI Authorized Access List and will ensure that this deletion is reflected in the next monthly update sent to Security, IMD.

II. RESPONSIBILITIES

A. Assistant Administrator for Pesticides and Toxic Substances (AA/OPTS)

The AA/OPTS is responsible for the overall implementation of the procedures contained herein.

B. Director, Office of Toxic Substances (OD/OTS)

The OD/OTS is responsible for ensuring that the Office of Toxic Substances, other EPA Program Offices, Regional and Laboratory facilities, other Federal agencies, and contractor firms comply with the policies, procedures and directives contained herein.

C. Director, Information Management Division (IMD)

The Director, IMD, is responsible for developing new policies and procedures for managing TSCA CBI; approving contractors and subcontractors for access to TSCA CBI; approving Computer Center Security Plans for any computer facility that will receive TSCA CBI; approving ADP Application Security Plans prepared by software development managers; and approving the Headquarters DCO and computer DCOs and DCAs.

D. Office of the Inspector General (OIG)

The OIG is responsible for oversight of TSCA CBI operations, and for conducting audits and investigations as it deems appropriate. To carry out these responsibilities, personnel from the OIG investigate cases of alleged intentional or actual wrongful disclosure of TSCA CBI. Disclosures believed to have been knowingly and willfully made will be referred to the Department of Justice, as appropriate. The OIG investigates cases of alleged or actual wrongful disclosures of TSCA CBI in connection with interagency agreements (IAGs) developed under Chapter IV of this manual. Personnel from the OIG are authorized access to all records that are available to the EPA Administrator and the OD/OTS after all requirements for access to TSCA CBI have been met. The OIG's Office of Management and Technical Assessment is responsible for ensuring that National Agency Checks and Inquiries (NACIs) are conducted on federal employees, as appropriate.

E. Director, Office of Information Resources Management (OIRM)

The Director of the Office of Information Resources Management, Research Triangle Park, NC, will, upon request, assist Security, IMD, in reviewing Computer Center Security Plans as specified in OTS Computer Center guidelines; review and comment on ADP Application Security Plans; and recommend approval or disapproval to the Director, IMD and assist Security, IMD, in conducting inspections of computer facilities for compliance with security requirements.

F. General Services Branch, Facilities and Support Services Division (GSB, FSSD)

The General Services Branch is responsible for assisting OPTS in establishing appropriate written physical security standards for EPA facilities to comply with the requirements of this manual and for assisting OPTS in inspecting EPA facilities to ensure that they comply with these established security standards.

G. Division Directors

Division Directors are responsible for the implementation of the requirements outlined in this manual within their Divisions. EPA Headquarters Division Directors may appoint, in writing, DCAs; however, in Regional Offices and Laboratories, this responsibility may not be delegated to a level lower than Deputy Regional Administrator or Laboratory Director.

Division Directors are also responsible for requesting TSCA CBI access approval for their employees and contractor employees. Access may be authorized only on a need-to-know basis and only for that TSCA CBI required to complete program responsibilities. Division Directors must request that Security, IMD, remove names of their employees who no longer require access.

Division Directors must ensure that authorized persons participate in required annual security training and educational programs, regarding the handling of TSCA CBI; must take appropriate disciplinary action when any employee fails to comply with the procedures set forth in this manual and notify the Director, IMD, of violations and any disciplinary action taken; must refer cases to the OIG, through the Director, IMD, when there is an alleged wrongful disclosure of TSCA CBI; and must approve all requests for TSCA CBI that involve the movement of documents outside an EPA facility.

H. Branch Chiefs

Branch Chiefs are responsible for the implementation of the requirements set forth in this manual and for ensuring that their employees adhere to the procedures for handling and protecting TSCA CBI, which includes proper storage and marking of all records containing TSCA CBI, such as temporary documents, working papers, and activity logs maintained in the Branch. Branch Chiefs, or their designees, are responsible for reviewing documents produced within the Branch in their final form when there is a question as to whether the documents contain TSCA CBI. Similarly, the sanitizing of staff-produced documents is the responsibility of Branch Chiefs or their designees.

Branch Chiefs will ensure that their employees are properly approved for access to TSCA CBI, prior to use of TSCA CBI material.

Branch Chiefs shall also provide a quarterly TSCA CBI security discussion, in addition to the annual slide presentation, to their employees to ensure a thorough understanding by all employees of the security requirements and procedures. Branch Chiefs will ensure that all of their personnel who are authorized for TSCA CBI access maintain a "current status" with regard to the annual TSCA CBI security briefing requirement. The date of the last briefing attended by each person appears on the monthly TSCA CBI Authorized Access List distributed by Security, IMD, to all DCOs/DCAs.

Branch Chiefs will oversee responsible Contract Project Officers to ensure that contractor employees having access to TSCA CBI for the support of Branch activities follow the procedures contained in the *Contractor Requirements for the Control and Security of TSCA Confidential Business Information* manual. This includes review and concurrence of EPA Form, 7710-15a, Request for Approval of Contract Access to TSCA Confidential Business Information, (Appendix XV), prior to inclusion in the extramural package prepared for the awarding or modification of a contract. The Branch Chief will ensure that all TSCA CBI documents forwarded to, or produced by, contractors are returned to the Agency or destroyed at the end of their contract. The Branch Chief will certify, in writing, to the Director, IMD, that this has been accomplished. Branch Chiefs will ensure that the Director, IMD, is notified, in writing, of all other TSCA CBI procedural violations or suspected instances of unauthorized disclosure of TSCA CBI. Branch Chiefs will also ensure that the Director, IMD, is notified in writing of any credible derogatory information that is reported to them which could adversely affect an employee's reliability or suitability to handle TSCA CBI.

I. **Security, Information Management Division (IMD)**

Security, IMD, is responsible for recommending EPA policy in security matters within the framework of these procedures and 40 CFR Part 2. Responsibilities include interpreting and/or clarifying these procedures as needed to facilitate their implementation and serving as a consultant to all DCOs/DCAs regarding these procedures and any other matters relating to the control and security of TSCA CBI.

Security, IMD, maintains current lists of all DCOs and DCAs and all persons authorized for general and computer access to TSCA CBI. The Authorized Access list is distributed monthly by Security, IMD, to all offices requiring approval for access to TSCA CBI.

Security, IMD, is responsible for conducting initial and annual inspections of Headquarters, Regional Offices, Laboratory, and contractor and subcontractor facilities for compliance with the security requirements of this manual and the *Contractor Requirements for the Control and Security of TSCA Confidential Business Information* manual. Based on these inspections, Security, IMD, will recommend approval or disapproval of these facilities for receipt and storage of TSCA CBI, and, when appropriate, make recommendations for changes to their procedures.

Security, IMD, is responsible for conducting reviews of security procedures at other Federal agencies and inspecting their facilities prior to transfer of any TSCA CBI to ensure compliance with the security standards set forth in this manual. Based on the review and inspection, Security, IMD, will recommend approval or disapproval of security procedures and facilities of other Federal agencies to the OD/OTS through the Director, IMD.

Security, IMD, is responsible for the investigation of alleged procedural violations. Security, IMD, will furnish the results of the investigation to the Director, IMD, for remedial and/or disciplinary action. Security, IMD, will expeditiously refer to the OIG all allegations involving criminal wrong doing and will not be conducting criminal investigations concerning EPA matters.

J. EPA PROJECT OFFICERS

EPA Project Officers are the principal link between the EPA program office and contractor personnel. Specifically, their duties include: completion of EPA Form, 7710-15a, Request for Approval of Contractor Access to TSCA Confidential Business Information, (Appendix XV), for inclusion in the extramural package prepared for the awarding or modification of a contract; preparation of the Federal Register notice regarding transfer of TSCA CBI to a contractor or subcontractor; and review of authorized access forms for contractor employees. The Project Officer must notify Security, IMD, upon awarding of the contract since inspection of the contractor facility must be completed before any transfer of data may occur. When a contract ends, the Project Officer must verify that all TSCA CBI documents are accounted for and that all user logs, destruction logs, and green cover sheets are returned to EPA Headquarters along with the TSCA CBI documents.

K. Document Control Officers and Document Control Assistants

1. *Headquarters*

(a) Document Control Officer Specific Duties

The TSCA Document Control Officer and Document Control Office staff are a part of the Chemical Information Branch, Information Management Division, OTS. The DCO is responsible for the receipt, initial processing, reproduction distribution, control, and destruction of all TSCA Confidential Business Information submissions and for all support documents, including computer printouts, produced both internally and outside the Agency under TSCA. The DCO establishes and maintains the official TSCA CBI files for all submissions and support documents. All documents to be included in these files must first be assigned a Document Control Number (DCN) which may only be assigned by the OTS DCO staff. This number is computer-generated at the time the DCO staff enters the document into the OTS Document Tracking System. Any numbers not assigned by the DCO staff will be considered invalid and may not be used for tracking or identification purposes.

The DCO is available to brief Document Control Assistants (DCAs) on their responsibilities, and to assist them in establishing logs and tracking systems which will best fit their needs while remaining in compliance with the *TSCA Confidential Business Information Security* manual and the *Contractor Requirements for the Control and Security of TSCA Confidential Business Information* manual.

The reproduction of any documents containing a DCN must be done by the DCO staff, who will log the copy into the OTS DTS, and begin document tracking by assigning it to the requestor.

The destruction of any documents containing a DCN must be done by the DCO staff, who will make the proper notation in the OTS DTS and have the document shredded in accordance with the procedures in this manual. (III. G. 2)

The DCO also provides document control and handling services to those EPA offices which do not have a DCA. The DCO may furnish TSCA CBI to other Federal agencies, in accordance with established procedures, which are authorized by the OD/OTS to receive the information.

(b) Document Control Assistant Specific Duties

Document Control Assistants are appointed to individual offices as the need arises to aid in the control and handling of TSCA CBI documents. These appointments, made by the appropriate Division Director and subject to approval by Security, IMD, are followed with a briefing by the DCO.

DCAs are responsible for the safeguarding of all TSCA CBI documents logged out to their offices. This includes maintaining a log and tracking all internally produced documents, except working drafts, which are to be circulated among the immediate staff and outside the office for review and comments. (If these documents are to eventually become part of the official file, the DCO will assign the DCN at the time the documents are delivered to the DCO staff.)

The reproduction and destruction of internally produced documents to which the DCA has assigned an interim number for tracking must be done by the DCA, with the proper notation in the DCA log.

(c) DCO/DCA Joint Duties

The DCO and DCAs are responsible for attaching the properly completed EPA Form 7710-6, green TSCA CONFIDENTIAL BUSINESS INFORMATION cover sheet to each TSCA CBI document logged into their offices. The first page, last page and each page containing TSCA CBI of the document must be identified as TSCA CBI. All TSCA CBI logs must be marked and treated as TSCA CBI. Before releasing TSCA CBI to anyone, the DCO/DCA must verify that the recipient is on the Authorized Access List and has proper secure facilities in which to store the document.

A receipt log must be maintained to ensure that any TSCA CBI data sent via cleared courier, US Postal Service, Registered or Express Mail has been received by the addressee.

The DCO/DCAs must maintain a current list of persons authorized access to TSCA CBI in their areas. They are responsible for transmitting any staff changes to Security, IMD, by making the appropriate notations on the monthly computer printout supplied to them by Security, IMD.

2. *Regional & Laboratory DCO/DCAs*

In the Regional Offices or Laboratories, the Document Control Officer is appointed by the Deputy Regional Administrator or Laboratory Director. This responsibility may not be delegated to a lower level. The Regional or Laboratory DCO is responsible for the receipt, initial processing, distribution and control of all TSCA CBI received by his/her office including computer printouts and floppy disks to ensure compliance with the TSCA Confidential Business Information Security Manual.

The DCO/DCA maintains all files for TSCA CBI and is responsible for assigning document control numbers to TSCA CBI documents internally produced or received from other offices which did not previously have them assigned, and establishes

logs and tracking systems to ensure accountability for all TSCA CBI documents received by the office.
The DCO/DCA conducts annual security briefings of all personnel authorized for access to TSCA CBI in his/her office and provides assistance in the control and handling of TSCA CBI to maintain compliance with the TSCA Security Manual.

The DCO/DCA is responsible for the completion or forms required to request access to TSCA CBI and is responsible for maintaining the authorized access list for the office and notifying Security, IMD, of additions or deletions by the 20th day of each month.

L. **EPA Employees**

EPA employees are responsible for the control and security of all TSCA CBI received by them. They may discuss TSCA CBI only with authorized personnel and safeguard TSCA CBI when it is in use, as specified in Chapter III.E. Employees shall not discuss TSCA CBI over the telephone except as authorized by Chapter III.E.3. When working with a submitter representative, EPA employees must verify his/her identity before discussing any of the company's previously submitted TSCA CBI.

Employees who are not located in an open storage area and who have TSCA CBI in their possession must place it in approved storage containers when it is not in use and at the close of each business day. (III.D.1.) They must also safeguard the combinations to locks, safes, and rooms in which TSCA CBI is located. Knowledge of combinations shall be limited, and the combination will be given only to those persons who are authorized for access to TSCA CBI stored therein.

Employees authorized for computer access are responsible for keeping their passwords confidential and ensuring they are changed frequently. Failure to comply may result in having computer access revoked.

Employees must immediately report any alleged violation of TSCA CBI Security procedures to their immediate supervisor.

III. PROCEDURES FOR HANDLING TSCA CONFIDENTIAL BUSINESS INFORMATION

A. Introduction

Under Section 14 of the Toxic Substances Control Act (TSCA), information submitted to EPA may be claimed as TSCA CBI whether it is in the form in which it was submitted or it appears in internally produced documents such as memos, notes, drafts, telephone logs, computer printouts, or in any other form. Information claimed as confidential must be protected pursuant to the procedures outlined below.

Any physical form of the TSCA CBI must be entered into the Document Tracking System or TSCA CBI inventory log. It must be assigned a document control number, be stamped "TSCA Confidential Business Information.... Does not contain National Security Information (E.O. 12065)" on the first and back page of the document and each page actually containing TSCA CBI, and have a green cover sheet, EPA Form 7710-6, attached. The green cover sheet must contain the name of the DCO, the document control number, and the date of receipt of the original document. Copies of documents must also bear the copy number, i.e., 1 of 3, etc.

TSCA CBI may be released, through the DCO/DCA, only to persons authorized access to TSCA CBI and having a "need to know" the contents of the documents. When an authorized person obtains TSCA CBI, he/she shall sign the green document cover sheet giving his/her name, identification number (Social Security number or EPA badge number) and the date. If a person uses the same TSCA CBI document more than once, it is only necessary for that person to sign the cover sheet the first time the document is logged out. Documents must be charged out on the Document Tracking System or logged out each time the document is removed from the custody of the DCO.

Within EPA, program offices, Regional offices, and Laboratories may develop security procedures to meet their individual needs. Such procedures must meet the standards contained in this *TSCA Confidential Business Information Security Manual* and must be approved by the Director, IMD. If requested, Security, IMD, staff will advise and assist offices in developing such procedures. However, this policy does not apply to computer security procedures. Individual offices may not develop their own computer security procedures.

B. Forms Required for Implementation of TSCA CBI Security Procedures

The forms required for the implementation of these procedures include the Inventory Log (Appendix II); the User Sign-Out Log (Appendix III); the Destruction Log (Appendix IV); the Contractor/Subcontractor Sign-Out Log (Appendix V); and the Federal Agency, Congress, and Federal Court Sign-Out Log (Appendix VI). Individual offices may design different logging systems to meet their specific needs; however, such logs must contain the same information required in the basic OTS logs contained in this manual.

Other forms used in implementing these procedures are:

- Confidentiality Agreement for United States Employees Upon Termination or Transfer (Appendix X).
- TSCA Confidential Business Information Cover Sheet (Appendix IX).
- Request for Authorized Access to TSCA CBI (Appendix VII).
- Request for TSCA CBI Computer Access Approval (Appendix VIII)
- TSCA Confidential Business Information Meeting Sign-In Sheet (Appendix XII).
- Federal Register Notice re: Transfer of Confidential Information to a Contractor (Appendix XIII).

C. Obtaining TSCA CBI Documents

Persons authorized access to TSCA CBI may obtain a TSCA CBI document by requesting the document from the appropriate DCO/DCA who will verify that the requester is on the TSCA CBI Authorized Access List. The DCO/DCA will then obtain the document from either local secure storage, another DCO, or an authorized computer facility.

If the requester has access to an approved storage cabinet, or works in an approved open shelf storage area, he/she may check the document out for a maximum of 90 days, renewable at the discretion of the DCO/DCA; otherwise, the document must be returned to the DCO/DCA by close of business the same day it is logged out. Certain permanent records and logs containing TSCA CBI may be exempted from the 90-day requirement and may be charged out to an individual on an indefinite basis by the DCO. An annual inventory by the DCO is required of these records.

Persons authorized for computer access to TSCA CBI for the purpose of reading and modifying data may request from the Chief, Data Management Branch the use of terminals connected to the TSCA CBI computer. These terminals are located in secured areas and have encrypted telecommunication lines. Access for computer use may also be verified through the TSCA CBI Authorized Access List.

D. Storage

1. *At EPA Facility*

(a) Required Storage

When not in use and/or at the close of each business day, TSCA CBI must be returned to an approved TSCA CBI container. Approved containers are a file cabinet with a bar lock and three-way changeable lock, or GSA approved Class 6 security container. The containers must have an EPA Form 1480-12, Safe/Cabinet Security Check Sheet (Appendix XIV), to indicate opening and closing as well as when checked.

(b) Open Storage

When justified by the volume of TSCA CBI, and the continuous daily use of TSCA CBI, the Director, IMD, may authorize "open shelf" document storage facilities provided they are inspected prior to use by Security, IMD. The following security devices must be installed and be operational:

- Changeable push-button door lock, or
- Electronic Card Entry System and
- Pin tumbler door lock, and
- Intrusion alarm.

Combinations to containers and/or rooms where TSCA CBI is stored may be issued only to authorized persons with a need to review the TSCA CBI file documents. Combinations must be changed once a year or each time a person who knows the combination terminates or transfers employment, or no longer requires access. Instructions and assistance for changing the combinations are available from Security, IMD, and the General Services Branch. The appropriate DCO must be notified of any changed combinations. Security, IMD, should also be notified and will notify the General Services Branch who will enter the changes into the Agency's master system.

Employees who are issued electronic card entry identification badges must not loan their card to any other employee to gain access to secured areas. Employees having an entry card shall use their card each time they enter a card entry secured area.

(c) Multiple User Container Storage

When warranted, a bar lock cabinet with multiple drawers may be used by individuals to maintain TSCA CBI material. Each person using the cabinet is assigned space in which to store TSCA CBI in their charge and are responsible for safeguarding any TSCA CBI they place in the cabinet.

2. When Traveling

With the approval of a Division Director, TSCA CBI may be taken home by EPA employees prior to a trip when it would be impractical to return to the office to pick up the TSCA CBI material. Employees must keep the TSCA CBI in their personal possession at all times. TSCA CBI must be double wrapped in accordance with procedures outlined in III. F. 2 prior to being removed from the office.

(a) When traveling by plane or other public conveyance, employees must keep TSCA CBI in their possession and may not check it with their luggage.

(b) When an employee is traveling with TSCA CBI (including samples) and is unable to deliver or ship the TSCA CBI to an authorized facility, TSCA CBI may be stored (for as short a period as possible) inside the locked trunk of a motor

vehicle. A storage area that allows visual access, such as a hatchback, is not acceptable.

(c) TSCA CBI may be stored in hotel safes, but a receipt must be obtained from the management.

E. Safeguards During Use

TSCA CBI must be protected at all times. When not stored, TSCA CBI must be kept under the constant surveillance of an authorized person who is able to maintain personal control over the material. It must be covered, turned face down, placed in approved storage containers, or otherwise protected when unauthorized persons are present. When not in use, and at the close of each business day, TSCA CBI must be returned to approved storage containers, unless being used in an approved open storage area.

Employees may discuss TSCA CBI only with other authorized persons. To transfer custody of a TSCA CBI document to another authorized person, an employee must go through the local DCO/DCA or, within a DCO's area of responsibility, use a Loan Receipt for TSCA CBI (Appendix XVI). The Loan Receipt must be given to the DCO/DCA and the loaner should retain a copy. The recipient must also sign the cover sheet if he/she has not signed it previously.

1. *Secretarial Procedures*

Only persons listed on the TSCA CBI Authorized Access List may type or edit documents that contain TSCA CBI. At all times the typist must safeguard the original, all "mag" cards, floppy disks, diskettes, or other recording media, one-time carbon ribbons, drafts, scratch paper, notes, carbon sets, and any other materials containing TSCA CBI. The typist must sign the green cover sheet when obtaining the TSCA CBI from the originator and require the originator to sign the green cover sheet attached to the completed typed document when receiving the TSCA CBI. TSCA CBI may not be stored on hard disks unless approved in advance by Security, IMD.

When typing documents containing TSCA CBI, the typist must take all reasonable measures to ensure that no unauthorized person can see or otherwise gain access to what is being typed. If the keyboard and printer are separate units, both must be under the direct control of the user. If the processing unit has internal storage capability, the memory (fixed disk storage utility) must be cleared after the TSCA CBI is typed. Any machine which contains internal memory and is used to type TSCA CBI must be approved in writing by Security, IMD, prior to use.

Whenever it is necessary to stop typing before a task is finished (at lunchtime or at the end of the day, for example), unless working in an approved open storage area, the typist must take all materials that contain TSCA CBI back to the author for safeguarding or lock them up in an approved storage container. The typist shall check to be sure that he/she has left nothing on the desk or in the typewriter, word-processor, personal computer, etc., that might permit the inadvertent unauthorized disclosure of TSCA CBI. TSCA CBI may <u>never</u> be stored in a desk, locked or otherwise. When the typing is completed, the typist must sign the green cover sheet and take the original and all other materials, which may include scrap paper and discarded drafts, to the author,

who will in turn take them to the DCO/DCA. The DCO/DCA will enter the final version into the document control system and destroy all other materials.

Word processing disks used to type TSCA CBI must be dedicated only to TSCA CBI use and must be protected as TSCA CBI and secured in approved storage cabinets. They may not be written over for non-CBI use.

When disks become damaged or worn and are no longer usable, they must be destroyed by shredding under the supervision of a DCO/DCA.

2. *Incoming Mail from Outside Firms*

TSCA CBI should be transmitted to EPA by registered mail, return receipt requested, in a double envelope. The inner envelope should be addressed specifically to the appropriate DCO/DCA with the following additional wording on the front: "TSCA Confidential Business Information--To Be Opened By Addressee Only." The outer envelope should be addressed to the appropriate DCO/DCA without the additional wording. Any incoming mail so addressed must be immediately taken to the appropriate DCO/DCA. TSCA CBI mailed to EPA Headquarters should be addressed as follows:

Document Control Office
Information Management Division
Office of Toxic Substances (TS-793)
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

TSCA CBI documents should be clearly marked "TSCA Confidential" by the submitter on the first page of the document.

Employees are responsible for safeguarding any unlogged TSCA CBI in their possession. Any TSCA correspondence that is marked "Confidential," "proprietary information," "company secret," etc., or otherwise contains a request for confidential treatment, must be immediately taken to the appropriate DCO/DCA. Also, whenever an employee becomes aware that correspondence may contain TSCA CBI, whether it has been properly designated or not, the employee must take it immediately to the appropriate DCO/DCA. If the DCO/DCA is not available, the TSCA CBI must be secured, in accordance with III.D., until he/she is available.

3. *Telephone Calls*

TSCA CBI authorized EPA employees may discuss TSCA CBI over the telephone with other persons authorized for access to TSCA CBI. Before beginning the conversation, the EPA employees must verify, by contacting their DCO/DCA or Security, IMD, that the other person is authorized for access and must also indicate to the other party at what point in the conversation TSCA CBI is to be discussed.

With the permission of the submitter representative and after verifying his/her identity, authorized EPA employees may discuss TSCA CBI over the telephone with the submitter. If submitters discuss TSCA CBI over the telephone, employees shall advise them that the EPA phone lines are unsecured and that discussion of TSCA CBI is at the discretion of the submitter.

With the permission of the submitter representative, TSCA CBI may be transmitted electronically between EPA and a submitter through communications lines (e.g., by telecopier). When an EPA employee requests additional information over the telephone from a submitter, the EPA employee should inform the submitter that the additional information discussed may be claimed as TSCA CBI. A telephone contact report (Appendix XI) should be filled out noting the additional claim and placed in the original document file. The submitter must also confirm, in writing to the DCO, the request to claim any additional information TSCA CBI.

4. *Meetings*

Before convening any meeting, symposium, panel discussion, or seminar at which TSCA CBI will be discussed, the chairperson will verify that all attendees are authorized for access using the monthly authorized access list and shall provide a TSCA CBI Meeting Sign-In Sheet (Appendix XII) which all attendees must sign. The chairperson will give the sign-in sheet to the DCO for inclusion in the original document files. This sheet will contain the document tracking system numbers for all TSCA CBI documents available at the meeting.

When copies of several documents are distributed at a meeting, they may be incorporated into one package and the package numbered with a copy control number. Each person attending a meeting of this type will sign the meeting sheet and indicate on the sheet the copy number of the package of TSCA CBI documents received by them. The meeting sheet will also have the Document Tracking System or Document Control numbers for all TSCA CBI documents discussed or available at the meeting. It is the responsibility of the chairperson to retrieve all TSCA CBI documents and copies distributed at the meeting and to return these TSCA CBI copies to the DCO for destruction or storage. An attendee cannot retain a document package; it must be returned to the DCO and may then be logged out to that person. A copy of the meeting sheet will be attached to the master file copy of each document listed on the meeting sheet. It is not necessary for the attendees to sign the green cover sheet of each TSCA CBI document used in the meeting; however, the chairperson will sign the green cover sheet of each original document used, indicating his organization, the meeting date, and add the statement "see meeting sheet."

No recording, audio or visual, is to be made of the meeting unless the chairperson has authorized it. If authorized, the recording must be treated as TSCA CBI, delivered to the DCO, and entered into the document control system.

The meeting room shall be cleared of all TSCA CBI after the meeting by the chairperson. This includes cleaning all chalkboards, destroying, by approved methods (III.G.2), all tear sheets and other notes, and ensuring that nothing is left in the room that could lead to the unauthorized disclosure of TSCA CBI.

When notes containing TSCA CBI are taken from a document, at a meeting, or from any other source, the notes must be protected as TSCA CBI. If the notes are to be circulated to other authorized persons, they must be entered into the document control system. The taking of notes is discouraged and should be kept to a practical minimum.

5. *Lost or Unaccounted-for Documents*

When a TSCA CBI document is lost or cannot be accounted for, the employee discovering the loss must notify his/her Section Head, who will notify the Branch Chief of the loss. The Branch Chief must in turn notify the Division Director if the loss is verified or the document cannot be located. If the document is not found or accounted for within 2 working days after such discovery, the Branch Chief must notify, in writing, the Director, IMD. An investigation will be initiated by Security, IMD.

F. **Transmittal**

1. *Within an EPA Facility*

Within an EPA facility, TSCA CBI must be hand-delivered, by one authorized person to another. At no time may TSCA CBI be transmitted through the interoffice mailing system.

2. *Outside an EPA Facility*

TSCA CBI transmitted by mail from EPA must be sent registered mail, return receipt requested, in a double envelope. The inner envelope must contain the name and address of the recipient with the following additional wording on the front: "TSCA Confidential Business Information--To Be Opened By Addressee Only." The outer envelope will have only the recipient's name and address without the additional wording.

In emergency situations, when registered mail would not meet required delivery schedules, Express Mail of the U.S. Postal Service, return receipt requested, or a private courier service, may be utilized. If a private courier service is used, it must provide the same level of receipt control as registered mail (each person handling the document must sign for it). A Division Director must provide the DCO, IMD, with written approval for the use of Express Mail. A return receipt, listing DCO's date of receipt and signature of addressees, must be included inside the inner package or envelope.

Samples, such as those collected during a TSCA inspection, which are claimed to be TSCA CBI, shall be placed in a sealed package or container and the seal marked "TSCA Confidential Business Information." Such samples shall be delivered or shipped as soon as possible to the appropriate DCO/DCA. If immediate shipping or delivery is not possible, as when an employee is traveling, the sample shall be safeguarded as prescribed in III.D.2.

Authorized persons may hand-carry TSCA CBI to other EPA facilities or to persons outside EPA, provided that the dispatching DCO maintains a transfer record and obtains a receipt from the DCO/DCA at the facility receiving the information. TSCA CBI being hand-carried shall be double-wrapped, as discussed in III.F.2 above.

When circumstances warrant, and with the approval of the Director, IMD, special arrangements may be made for transporting of TSCA CBI within a local area, e.g., the Washington, D.C., metropolitan area.

G. Reproduction/Destruction

1. *Reproduction*

TSCA CBI should only be reproduced in a secured TSCA CBI copy center. When equipment failure makes duplicating in a secured area impossible, copies may be made on a non-CBI machine, provided that the room is first cleared of all persons who are not authorized for access to TSCA CBI. When making copies on a non-CBI machine, the user must ensure that all waste copies are retrieved and taken to a DCO/DCA for destruction and that the machine is run in a blank mode several times to ensure that the image surfaces of the machine do not retain TSCA CBI and reproduce the data on subsequent copies.

If the machine breaks down during use, the user must ensure that all copies of the page being duplicated at the time of the breakdown are removed from the machine. This may require the assistance of a duplicating machine operator. If assistance is required, the user must either lock the room or have a person authorized for access to TSCA CBI in attendance to safeguard any TSCA CBI caught in the machine. With the exception of working paper and draft copies, the DCO/DCA shall enter all copies into the Document Tracking System or inventory log for document control.

In certain cases, additional copies, including the green cover sheet, of a TSCA CBI document may be made by the DCO for use at a meeting or for some other reason. In these instances the date and a copy control number will be placed on each copy of the document and a blank green TSCA CBI cover sheet, EPA Form 7710-6, will be affixed to the front of each copy. It is the responsibility of the person requesting these copies to ensure that all copies are retrieved and returned to the DCO for destruction within 30 days.

2. *Destruction*

TSCA CBI documents may be destroyed when they are no longer needed. However, destruction must be:

a. Under the supervision of a DCO/DCA;

b. By shredding; and

c. Noted in a destruction log.

The DCO/DCA must remove the green cover sheet, EPA Form 7710-6, make a notation of the destruction date and the name of the person who destroyed the document on the cover sheet as well as in the destruction log. In addition, the Inventory Log, EPA Form 7710-10, should also show the destruction of the document.

Regional offices, laboratories, contractors, and program offices located outside the Office of Toxic Substances must maintain the destruction log and green cover sheets in order that all documents may be accounted for during inventory or document reconciliation.

TSCA CBI documents destroyed within OTS at EPA Headquarters must be destroyed under the supervision of the DCO, IMD, who will remove the green cover sheet for attachment to the original document file and record the destruction in the destruction log and the inventory log.

The destruction log and green cover sheets provide the last step of an audit trail in accounting for all TSCA CBI documents. They must not be destroyed, and it is essential that they be maintained in accordance with procedures outlined above.

H. Photographs

Whenever it is necessary for an EPA employee to take photographs that contain TSCA CBI, such as during a TSCA inspection, either an "instant" camera must be used or the 35 mm film must be processed by an authorized lab. The 35mm CBI film is supplied by and processed at the Environmental Photographic Interpretation Center in Warrenton, VA. Document Control Officers may request up to 10 rolls of the film (It may be stored in a freezer until needed) from the Center and return it directly to the Center for processing. The exposed film must be mailed in accordance with procedures for transmitting TSCA CBI. Requests may be directed to:

Chief
EPA, Environmental Photographic Interpretation Center
Vint Hill Farms
Warrenton, VA 22186

I. Retiring of Documents

When TSCA CBI documents are to be retired for legal, historical, or reference purposes, they shall be shipped to the Federal Records Center in accordance with the procedures in Chapter 3, "Disposition of Records," of the EPA *Records Management Manual*. Prior to shipment, Regional and Field installations will notify Security, IMD, in writing, of their intent to retire documents to the Federal Records Center.

J. Remote Terminals

1. Terminals used as input/output devices with print capability remote from the TSCA CBI ADP Facility will be located in secured areas. These areas will be secured during non-duty hours using a Group I combination lock and will be equipped with an approved intrusion alarm.

2. User terminals <u>without</u> print capability must also be located in secured areas. During non-duty hours, the area will also be secured using a Group I combination lock.

3. Unsupervised access to terminal areas will be limited to persons with TSCA CBI computer access authorization.

4. Remote terminals and lines will be secured in one of the following methods:

   a. In conduit from the terminal to the TSCA CBI Computer Facility, or

   b. By means of encrypted telecommunication lines which have been inspected prior to operation by Security, IMD.

K. Personal Computers (PCs)

Personal Computers are authorized for processing of TSCA CBI data subject to the following provisions.

1. *Policy for Storage of TSCA CBI Data on PC Storage Media.*

   a. Hard disks

      If the PC is located in an approved secure area (III. D.1.b.) TSCA CBI data may be temporarily stored on hard disk; however, the data should be cleared immediately after use. If the PC is <u>not</u> located in an approved TSCA CBI area, TSCA CBI data may <u>not</u> be stored on a hard disk.

   b. Floppy disks

      TSCA CBI may be stored on color-coded floppy disks specifically approved for TSCA CBI use. An "approved" floppy disk is one that is solid green and/or enclosed in a green jacket and is identified with a bar code label or DCN. At EPA Headquarters, floppy disks for TSCA CBI use must be logged out from the DCO, IMD. DCOs located outside of OTS may request TSCA CBI green disks from the DCO, IMD. The floppy disk must remain under the personal control of the user, and he/she will be fully responsible for the safeguarding of the disk as TSCA CBI data. A TSCA CBI green floppy disk may not be removed from an EPA facility. When the green disks are no longer required or are damaged, they will be returned to the DCO, IMD, for initialization (overwriting) and re-issue or destruction.

2. *"Downloading" TSCA CBI data.*

   a. Downloading, the transfer of data from the IBM 4341 mainframe to a PC, will only occur to a PC located in a secured TSCA CBI area (III. D.1.b) so that data is properly encrypted during transmission.

3. *Printing of TSCA CBI Data on PC Printers.*

   a. <u>All</u> hardcopy will be printed on TSCA CBI approved paper. TSCA CBI computer paper can be obtained from the DCO, IMD, or the computer DCO at Research Triangle Park, NC. All hardcopy obtained from a PC must be treated as TSCA CBI in accordance with procedures outlined in this chapter for handling both permanent and temporary TSCA CBI documents. (III. D., III. E., and III. N.)

4. *Use of TSCA CBI on a PC*

a. It is the user's responsibility to safeguard TSCA CBI data on terminal screens, hardcopy, etc., from unauthorized disclosure.

b. Once TSCA CBI data has been placed on the PC, the user must remain in control of the PC and printer. If the user must leave the area, the TSCA CBI session must be properly terminated.

c. At the termination of a session, all temporary files on hard disk must be cleared. Proper system log-off will be verified by the user. The floppy disk will be removed from the machine, and any hardcopy will be safeguarded as a TSCA CBI document. The PC will be powered "OFF" and cleared of TSCA CBI data after a TSCA CBI session even if it is to be immediately used by another person in the TSCA CBI mode.

L. Internally Produced Documents and Declassification of Hardcopy and Magnetic Media

Internally produced documents, magnetic media, and computer printouts developed from documents or data bases containing TSCA CBI, are the responsibility of the originator. Final versions of documents containing TSCA CBI will be immediately taken to the DCO for marking and entry into the TSCA CBI control system.

1. *Printout Declassification*

When the document is a printout from a computer system containing TSCA CBI, the printout will be on color coded TSCA CBI paper and will be entered into the appropriate log by the DCO/DCA. If, after careful review by the requester, it is determined that no TSCA CBI is contained in the printout, the requester will enter a statement at the top of the printout stating "Contains No TSCA CBI" and affix his/her signature and the date. After the originator certifies that the printout contains no TSCA CBI, the DCO will indicate this on the log entry for the printout, thus releasing the printout from TSCA CBI control.

2. *Magnetic Tape Declassification and Transfer*

Contractors or other users who need to transfer programs or source code from a TSCA CBI computer to a non-CBI environment shall submit a written request to the Data Management Branch (DMB). The request shall include the requester's name and organization, the purpose of the transfer, and a list of the files, directories or programs needed.

DMB will review and approve or disapprove the transfer request. If the transfer is approved, the following steps will be performed.

DMB will ask the Data Center CBI Operations Staff to prepare a degaussed (erased) tape for use as the transfer media, and will inform DMB of the TSCA CBI tape number.

DMB will execute the programs necessary to copy the requested files or programs to the degaussed tape.

Following creation of the tape, DMB will execute a program which will read the tape and print a formatted listing of all of the files on the tape. This listing will be printed on the printer located in the CBI Computer Room at Research Triangle Park or in the CBIC Center at Headquarters.

The Data Center CBI Staff will pack and ship the listing, in accordance with procedures for shipping TSCA CBI data, to the Chief Information Control Section (ICS), Chemical Information Branch. ICS/CIB will log the listing as a TSCA CBI Document and turn it over to the Chief, DMB.

DMB will review the listing to verify that the correct files and programs were written on the tape and that the tape contains no TSCA CBI Data. Upon satisfactory completion of the verification process, DMB will notify Security, IMD, that the tape contains no TSCA CBI data.

Security, IMD, will notify the Data Center DCO that the tape may be transferred to a non-CBI environment.

Under the supervision of the Data Center DCO, the Data Center staff will remove the tape from the CBI computer room, assign a non-CBI (Foreign) tape number, and inform DMB of the new tape number. The Data Center DCO will maintain a record of all tape declassifications and transfers.

3. *Hardcopy Declassification*

When the information in a document has been claimed as TSCA CBI by the submitter, but, with written approval by the submitter, is now to be removed from TSCA CBI control and treated as non-CBI, the document must be submitted to the DCO who will certify, in writing, the reason the information no longer requires TSCA CBI protection. The document and DCO certification will be submitted to the Chief, Chemical Information Branch, or his/her designee, who will have the authority to declassify the information and remove it from further TSCA CBI control. The green cover sheet must be retained for audit purposes and a notation of the date of declassification and the name of the person authorizing the declassification made on the green cover sheet and document control log.

In cases where the declassified information still appears in the document file or in other documents as TSCA CBI, the DCO will initiate action to remove the information from TSCA CBI control in all other documents where it appears, and a notation and the declassification papers will be placed in the source document. If the information is contained in a TSCA CBI computer system, such as TDIS, or DTS, the Chief, DMB, or his/her designee will have the authority to declassify the information and will initiate action to remove the confidential designation from all systems in which it appears.

M. Retaining Logs

All TSCA CBI logs shall be retained for at least 5 years from date of last entry in secure storage. When these logs are inactive and are no longer needed by the originating office, they will be delivered to the DCO, IMD for retention.

N. Drafts and Temporary Internal Documents

A temporary document is a working report which is to be incorporated into another TSCA CBI document or discarded within 30 days of origination. Because of its temporary nature, it does not have to be assigned a document control number. It must, however, be dated, have a green cover sheet attached and be protected as TSCA CBI. It is the responsibility of the originator to protect the document and to take it to a DCO for destruction when the information has been incorporated into the final TSCA CBI document or is no longer needed. If the temporary document remains in existence after 30 days, it must be given a document control number and be entered into the document tracking system or inventory log.

Multiple drafts of a report which contains TSCA CBI may be prepared and circulated before the report is finalized. In these instances the originator of the drafts is responsible for retrieving and delivering them to the DCO/DCA for destruction within 30 days of the date of origination. The first draft will be assigned a document control number and will be numbered for accountability and marked as 1st Draft. Later versions will use the same control number but will be marked as 2nd Draft, 3rd Draft, etc. Each copy of the reproduced draft and the original must be dated and have a green cover sheet attached for visual identification as TSCA CBI.

O. Annual Inventory

On an annual basis or when directed by Security, IMD, every person shall make a physical inventory and accounting of all TSCA CBI records in his/her possession including those charged out on an indefinite basis or for longer than a 90-day period. The inventory shall consist of a review of items listed in the Document Tracking System or inventory log as charged to the office, other than those on a temporary 90-day basis. The inventory shall include an examination of the evidence of proper disposition of records (certification of destruction, etc.). A report will be submitted indicating successful completion of the inventory and listing all discrepancies discovered, if any. This report will be forwarded to Security, IMD, within 30 days after completion of the inventory.

P. Reconciliation of Documents

1. *When DCOs Change*

When a Document Control Officer terminates or transfers employment and a new DCO is assigned, all TSCA CBI documents must be accounted for before the change occurs.

Reconciliation must be made by visual inspection against the user sign out log to ensure that the documents are actually located in the files.

If the document has been logged out, the person to whom it is logged out must verify that the document is in his/her possession.

If the document has been transmitted to EPA Headquarters, for instance, a return receipt must be on file verifying transmittal.

If the document has been destroyed, an entry must be made in the destruction log to indicate the date of destruction. The green cover sheet must also be removed from the document and retained. Green cover sheets may not be destroyed.

2. *When a Contract Ends*

When an EPA contract requiring access to TSCA CBI ends, the TSCA CBI documents, user logs, destruction logs and green cover sheets must be reconciled by the Contractor DCO and returned with the documentation to the EPA Headquarters DCO.

The EPA Project Officer and the Headquarters DCO will verify that all documents are accounted for, and, if the documents are originals, will ensure that they are placed in the original document file.

If they are copies of documents already on file at EPA Headquarters, they may be destroyed in accordance with procedures outlined in this manual.

IV. SECURITY REQUIREMENTS FOR OTHER FEDERAL AGENCIES OR CONGRESS

A. Purpose

This section sets forth the circumstances and procedures under which EPA may provide access to TSCA CBI to employees of other Federal agencies or to Congress.

B. Policy

Section 14(a)(1) of TSCA authorizes EPA to furnish TSCA CBI to other Federal agencies with responsibilities under any law for the protection of health or the environment or for specific law enforcement purposes. EPA will furnish such TSCA CBI provided that the other agency meets the statutory eligibility requirements, is able and willing to meet prescribed standards for ensuring the security of the information, and agrees to treat the information as confidential in accordance with EPA's regulations on Confidentiality of Business Information in 40 CFR Part 2. 40 CFR 2.209, made applicable to TSCA CBI through 40 CFR 2.306, requires other agencies to request access to TSCA CBI and to state the official purpose for which the information is needed. However, EPA may provide such access without a written request if EPA determines that such disclosure is necessary for the other agency to carry out a function on behalf of EPA, or when ordered by a Federal court. Authorization will be strictly limited to only that information required to fulfill the need.

Section 14(e) of TSCA authorizes EPA to furnish TSCA CBI to a committee of Congress upon written request of the committee. 40 CFR 2.209(b), through 40 CFR 2.306, outlines procedures to be followed in disclosing TSCA CBI to Congress.

C. Procedures for Answering Requests

Any EPA office that receives a written request from another Federal agency for access to TSCA CBI must refer the request to the Director, OTS.

The OD/OTS or his/her designee must first evaluate the purpose for access. If it is determined that the stated need relates to the other agency's duties under a law for the protection of health or the environment or for specific law enforcement purposes, access to TSCA CBI may be provided. The OD/OTS must ensure that the other agency has agreed to keep the information confidential in accordance with the requirements of 40 CFR Part 2 and this manual.

If the other Federal agency has met the requirements of the statute and 40 CFR Part 2, and needs to remove TSCA CBI from EPA to its own premises, the OD/OTS will require the other agency to develop security procedures for the protection of the information. The procedures must provide at least the same degree of security as is provided by this manual and include a requirement for obtaining signed copies of the *Request for TSCA CBI Access Approval* form (Appendix VII) from each agency employee who will have access and the *Confidentiality Agreement for United States Employees Upon Termination or Transfer* (Appendix X) from each employee who terminates or transfers employment. Copies of these

agreements should be forwarded to Security, IMD, to keep the authorized access list current. (These requirements do not apply to Department of Justice employees described in Section E below.)

If the other Federal agency requests access to TSCA CBI only on EPA premises and has met the requirements of 40 CFR Part 2, the agency must obtain signed copies of the *Request for TSCA CBI Access Approval* form (Appendix VII) as in the above paragraph, and forward same to Security, IMD.

If the other Federal agency requires TSCA CBI access on its own premises there are two ways to meet EPA's requirement that the agency's facilities and written security procedures provide at least the same degree of protection for TSCA CBI as EPA provides: (1) The other Federal agency may develop its own procedures and forward them to EPA. The Director, IMD, will determine if the procedures meet EPA's minimum requirements and forward a report to the OD/OTS. After approval of the plan by the OD/OTS, Security, IMD, will make a physical inspection of the other Federal agency's facilities to determine that they meet the requirements of their security plan and report the results to the OD/OTS; (2) The other Federal agency may adopt EPA's security procedures. If they do, Security, IMD, will inspect their facilities and report to the OD/OTS as in Number 1.

After the approval of the OD/OTS and publication of a Federal Register Notice announcing the disclosure of TSCA CBI to employees of another agency as required by 40 CFR 2.209 through 40 CFR 2.306, TSCA CBI will be furnished to the other agency in accordance with procedures outlined in this manual, including the use of the Federal agency sign-out log. In addition, a log of disclosures to Congress and other Federal agencies must be maintained. The log must include: (1) the name of the submitter; (2) the date of disclosure; (3) the person(s) to whom the disclosure is made; and (4) a description of the information disclosed.

If the other agency is authorized to receive TSCA CBI, the Director, IMD, shall notify the OTS DCO, who shall provide the requested information.

D. **Procedures for Interagency Agreements**

If another Federal agency has a continuing need for access to TSCA CBI in accordance with the EPA contracts manual, the OD/OTS may negotiate an interagency agreement (IAG) with that agency to provide ongoing access to TSCA CBI. The IAG must meet all the requirements of Section C above and specify the procedures that will be followed by the other agency in making specific requests for information under the IAG.

The Director, IMD, shall notify the appropriate DCOs of the agreement, the procedures to be followed in responding to specific requests, and of the identities of the individuals who have been authorized for access to TSCA CBI.

Under such an agreement, if the requirements of 40 CFR Part 2 have been followed, a DCO may furnish TSCA CBI to another Federal agency, in accordance with procedures in this manual, without receiving specific authorization from the OD/OTS for each request.

E. Exemption for the Department of Justice

Department of Justice (DOJ) employees may be furnished TSCA CBI when prosecuting cases under TSCA or providing legal assistance to EPA. The Department of Justice, including the FBI, shall be presumed to meet EPA's security requirements. No security plans need be submitted and no inspection of facilities is required. DOJ employees are not required to sign a confidentiality agreement. However, the receiving DOJ office will be advised of the need to maintain appropriate security controls on all TSCA CBI furnished them.

Any transfer of TSCA CBI documents from EPA to DOJ must be accomplished through an EPA DCO/DCA, and all requirements which are outlined in this manual regarding security of TSCA CBI during transfer must be met.

Authorized EPA employees, with the permission of a Division Director or higher authority, may discuss TSCA CBI with appropriate DOJ employees, either in person or on the phone. Any TSCA CBI discussed will be clearly identified as such.

F. On-site Access

Employees of other Federal agencies authorized for access to TSCA CBI are also permitted to review TSCA CBI on-site at EPA. Such individuals must be fully informed of their security responsibilities, must sign the green cover sheet of any document to which they have access, and will be under direct EPA supervision at all times. They will not be allowed to remove TSCA CBI from the EPA facility, and the individuals will be told that (1) they may discuss the information only with other employees of their agency authorized for access and authorized EPA employees, (2) they may not produce any notes or correspondence containing TSCA CBI, (3) they may not discuss TSCA CBI on the telephone, and (4) they are subject to fines and imprisonment if they willfully disclose TSCA CBI.

G. Violations

Any violation of another Federal agency's security procedures for safeguarding TSCA CBI, even when there is no evidence of wrongful disclosure, shall be investigated by that agency and appropriate remedial action taken. Results of the investigation and subsequent action must be forwarded to EPA's OIG and Security, IMD. Any alleged or actual wrongful disclosure of TSCA CBI by an employee of another Federal agency shall be reported immediately by that agency to the EPA OIG and Security, IMD.

Violations of the security provisions of an interagency agreement under this chapter shall be investigated by the EPA, OIG, which shall report to the AA/OPTS. The OIG has primary responsibility for investigating statutory violations involving unlawful release of TSCA CBI. If the AA/OPTS finds that the other agency has violated the terms of the interagency agreement, he/she may terminate that agency's right of access pending resolution of the matter.

If an investigation develops information indicating a possible criminal violation, the case shall be referred to the Department of Justice. When the Department of Justice accepts jurisdiction, any further action, including notification of the company involved, will be dictated by it.

APPENDIX I

Excerpts From EPA Conduct and Discipline Manual

GENERAL

The achievement of constructive discipline as it relates to compliance with the requirements of the TSCA CBI Security Manual is a responsibility of supervisors. An atmosphere of constructive discipline is brought about by a supervisor's good example, practice, instruction, fair and equal treatment of all employees, and firm and decisive leadership.

DETERMINING CORRECTIVE ACTION TO BE TAKEN

Supervisors and management officials at all levels are responsible for maintaining discipline in their organizations by taking appropriate corrective actions . . . . Any supervisor or management official may take informal corrective actions and issue official reprimands. The following procedures will be followed in the exercise of both formal and informal corrective action:

The action taken must be consistent with the precept of like penalties for like offenses with mitigating or aggravating circumstances taken into consideration. The action taken should be fair and equitable; and if a penalty is warranted, it should be no more severe than sound judgment indicates is required to correct the situation and maintain discipline.

When the appropriate corrective actions are being considered, it should be established whether the employee knew, or could reasonably be expected to have known, what standard of conduct or performance was expected of him/her.

Repetition of the same offense must be considered in the assessing of any penalty, as such repetition may imply a disregard for authority.

INFORMAL CORRECTIVE ACTIONS

When a supervisor decides that corrective action is warranted, he/she should first consider informal measures that are nonpunitive in nature but that will instruct offending employees and remedy problem situations. Supervisors are urged to ensure that informal measures are considered before formal corrective actions, which are recorded in an employee's official personnel folder, are utilized such as:

- Closer Supervision.
- On-the-Job Training.
- Oral Reprimands--Perhaps the most common of corrective actions is the face-to-face session between employee and supervisor. To be most effective, such discussions should be conducted in private without undue embarrassment to the employee . . . . Basic facts of the discussion, including the reason for the reprimand and the corrective steps necessary, should be recorded in a memorandum for file and maintained in local files. No record of

such informal discussions may be placed in an employee's personnel folder.

- Written Warnings--This kind of corrective measure lacks the give and take of the oral interview and should usually be employed only if the supervisor has already tried an oral warning or feels that it would be inappropriate. A written warning should describe exactly what improper actions the employee is engaging in, outline positive corrective steps, and state what penalty might result if the actions continue. A copy of the written warning should not be placed in the employee's official personnel folder, but copies should be retained in the supervisor's local files. Written warnings are often effective in influencing those employees who require a more tangible expression of a supervisor's view.

FORMAL DISCIPLINARY ACTIONS

A formal disciplinary action may be an official written reprimand, a suspension, a change to a lower grade, or removal. Records of formal disciplinary actions become a part of the employee's official personnel folder. Supervisors should initiate such actions only after coordinating any proposed action with their operating personnel officers. [Detailed information concerning these actions is contained in Chapter 5 of the *Conduct and Discipline Manual*.]

REASSIGNMENT AS A CORRECTIVE ACTION

Reassignment of personnel may serve as a useful corrective tool. If an employee is considered to have the skills and desires needed to perform successfully at his/her grade level but is unable to function effectively in his/her immediate work situation, a reassignment to a new environment may be considered. In other cases, a reassignment to a position where closer supervision is possible [or access to TSCA CBI is not required] can prove beneficial to both the employee and EPA.

EXCERPTS FROM APPENDIX C, TABLE OF OFFENSES AND PENALTIES

When [formal] disciplinary action becomes necessary, this guide should be used in order to facilitate action throughout the Agency in comparable cases. Penalties for offenses usually will fall within the ranges indicated, but, in unusual circumstances, greater or lesser penalties may be applied unless otherwise provided by law.

When disciplinary action is being determined in a specified case, consideration should be given to the record of the employee, and, when there is a repetition of offenses, to the time interval between offenses.

When an employee has committed a combination or series of different offenses, a greater penalty than is listed for a single offense should be considered.

NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Violation of security regulations involving other than classified [national defense] information	Oral/Written reprimand	Written reprimand to 1-day suspension	5-day suspension to removal
Failure to assess a penalty when the facts are known and warrant disciplinary action	Written reprimand to 5-day suspension	10-day suspension to 30-day suspension	Removal

Appendix II

(Actual Size 8 1/2" x 11")

TSCA CBI
WHEN FILLED IN

U.S. ENVIRONMENTAL PROTECTION AGENCY
INVENTORY LOG
TSCA CONFIDENTIAL BUSINESS INFORMATION

DOES NOT CONTAIN NATIONAL SECURITY INFORMATION (E.O. 12065)

DATE RECEIVED	DOCUMENT CONTROL NO.	NO. PAGES	RECEIVED FROM *(Enter company, city, and state)*	DESCRIPTION	DISPOSITION

Appendix III

(Actual Size 8 1/2" x 11")

TSCA CBI WHEN FILLED IN		U.S. ENVIRONMENTAL PROTECTION AGENCY USER SIGN OUT LOG TSCA CONFIDENTIAL BUSINESS INFORMATION			DOES NOT CONTAIN NATIONAL SECURITY INFORMATION (E.O. 10865)	
DATE CHECKED OUT	DOCUMENT CONTROL NO./ COPY NO.	USER INFORMATION		DATE RETURNED	DCO INITIAL	DISPOSITION
		EPA ID NO.	SIGNATURE			

EPA Form 7710-11 (Rev. 9-81) Previous edition is obsolete.

Appendix IV

(Actual Size 8 1/2" x 11")

TSCA CBI
WHEN FILLED IN

U.S. ENVIRONMENTAL PROTECTION AGENCY
DESTRUCTION LOG
TSCA CONFIDENTIAL BUSINESS INFORMATION

DOES NOT CONTAIN
NATIONAL SECURITY
INFORMATION
(E.O. 12065)

DCO/DCA NAME _____ LOCATION _____

DATE DE-STROYED	DOCUMENT CONTROL NUMBER	DESCRIPTION	DCO/DCA SIGNATURE

EPA Form 7710-45 (9-81)

Appendix V

(Actual Size 8 1/2" x 11")

TSCA CBI
(BOXES FILLED IN)

U.S. ENVIRONMENTAL PROTECTION AGENCY
CONTRACTOR/SUBCONTRACTOR SIGN OUT LOG
TSCA CONFIDENTIAL BUSINESS INFORMATION

DOES NOT CONTAIN NATIONAL SECURITY INFORMATION (E.O. 12065)

DATE OUT	EPA DOCUMENT CONTROL NO./COPY NO.	NO. PAGES	DESCRIPTION	(SUB)CONTRACTOR/ (SUB)CONTRACT NO.	EPA PROJECT OFFICER	DCO INITIAL	RECEIPT	DATE RETURNED	DCO INITIAL

EPA Form 7710-12 (Rev. 9-81) Previous edition is obsolete.

Appendix VI

(Actual Size 8 1/2" x 11")

TSCA CBI WHEN FILLED IN

U.S. ENVIRONMENTAL PROTECTION AGENCY

FEDERAL AGENCY, CONGRESS, AND FEDERAL COURT SIGN OUT LOG

TSCA CONFIDENTIAL BUSINESS INFORMATION

DOES NOT CONTAIN NATIONAL SECURITY INFORMATION (E.O. 12065)

DATE OUT	EPA DOCUMENT CONTROL NO./COPY NO.	NO. PAGES	DESCRIPTION	FEDERAL AGENCY, CONGRESS, COURT	RECIPIENT	DCO INITIAL	RECEIPT	DATE RETURNED	DCO INITIAL

EPA Form 7710-13 (Rev. 9-81) Previous edition is obsolete.

Appendix VII

(Actual Size 8½" x 11")

I. REQUEST FOR TSCA–CBI ACCESS APPROVAL

1. REQUESTING COMPONENT *(Office/Division/Branch)*	2. DCO & PHONE NUMBER	
3. FULL NAME *(Last, first, middle)*	4. SOCIAL SECURITY NUMBER	5. LOCATION/CONTRACTOR
6. DATE OF BIRTH *(Month/day/year)*	7. PLACE OF BIRTH *(City, State)*	8. CLEARANCE REQUESTED *(DDO, DCA, ADP, General Access)*
9. POSITION	10. PHONE NUMBER	11. PREVIOUS CBI CLEARANCE ☐Yes ☐No / TYPE
12. TSCA CBI SECURITY BRIEFING DATE	13. FORMS ATTACHED ☐SF 85 (Category II & III) ☐EPA Form 1480-29 (Category I) ☐OPM 87 ☐OPM 329-A ☐Other *(Specify)*	

14. OTHER CLEARANCES *(Current or past)*

Clearances	Dates	Sponsoring Agency

An authorizing official *(Division Director at Headquarters, Regional Administrator or Laboratory Director in the Field, or Contractor Project Officer)* must sign this section.

SIGNATURE AND TITLE OF REQUESTING OFFICIAL	DATE

II. CONFIDENTIALITY AGREEMENT

I understand that I will have access to certain Confidential Business Information submitted under the Toxic Substances Control Act (TSCA, 15 USC 2601 *et seq.*). This access has been granted in accordance with my official duties relating to the Environmental Protection Agency programs.

I understand that TSCA CBI may not be disclosed except as authorized by TSCA and Agency regulations. I understand that under section 14(d) of TSCA (15 USC 2613(d)) I am liable for a possible fine of up to $5,000 and/or imprisonment for up to one year if I willfully disclose TSCA CBI to any person not authorized to receive it. In addition, I understand that I may be subject to disciplinary action for violation of this agreement with penalties ranging up to and including dismissal.

I agree that I will treat any TSCA CBI furnished to me as confidential and that I will follow the procedures set forth in the *TSCA Confidential Business Information Security Manual*.

I have read and understand the procedures.

SIGNATURE	DATE

III. REQUIREMENTS

☐FFI ☐NACI ☐NAC ☐Pending ☐OPM ☐DISCO

SUBMITTED	COMPLETED	APPROVED ☐Yes ☐No

APPROVED BY	DATE

EPA Form 7740-6 (5-83) Replaces EPA Form 7710-47, which is obsolete.

Appendix VIII

(Actual Size 8½" x 11")

I. REQUEST FOR TSCA--CBI COMPUTER ACCESS APPROVAL

1. REQUESTING COMPONENT *(Office/Division/Branch)*	2. DCO & PHONE NUMBER	
3. FULL NAME *(Last, first, middle)*	4. SOCIAL SECURITY NUMBER	5. LOCATION/CONTRACTOR
6. POSITION	7. PHONE NUMBER	8. Holds Current TSCA--CBI Access Approval ☐Yes ☐No
9. SYSTEM AND DATABASE TO BE ACCESSED		10. PRIVILEGES ☐R/W ☐R ☐E ☐Other *(Specify)*

11. OTHER CLEARANCES *(Current or past)*

Clearance	Dates	Sponsoring Agency

12. REASON FOR ACCESS

13. FORMS ATTACHED

☐SF 85 (Category II & III) ☐EPA Form 1480-26 (Category I) ☐CSC 329-A ☐CSC 87

14. REQUESTING OFFICIAL	DATE	DCO SIGNATURE

II. SECURITY/MSD

CATEGORY UNDER OPM 732-7 ☐I ☐II ☐III

BASIS OF CLEARANCE ☐NAC ☐NACI ☐Pending ☐OPM ☐DISCO ☐Other *(Specify)*

DATE SUBMITTED	DATE COMPLETED

COMMENTS

RECOMMENDED ☐Yes ☐No	Chief/Security/MSD

III. DIRECTOR/OFFICE OF TOXIC SUBSTANCES

	SIGNATURE	DATE
☐Approved ☐Disapproved		

EPA Form 7740-7 (5-83)

Appendix IX

(Actual Size 8 1/2" x 11"
Printed on Heavy,
Dark Green Paper Stock)

TSCA CONFIDENTIAL BUSINESS INFORMATION

DOES NOT CONTAIN NATIONAL SECURITY INFORMATION *(E.O. 12065)*

DOCUMENT CONTROL OFFICER	DOCUMENT CONTROL NO.	DATE RECEIVED

The attached document contains Confidential Business Information obtained under the Toxic Substances Control Act *(TSCA, 15 U.S.C. 2601 et seq.)*. TSCA Confidential Business Information may not be disclosed further or copied by you except as authorized in the procedures set forth in the TSCA CONFIDENTIAL BUSINESS INFORMATION SECURITY MANUAL.

If you willfully disclose TSCA Confidential Business Information to any person not authorized to receive it, you may be liable under section 14*(d)* of TSCA *(15 U.S.C. 2613(d))* for a possible fine up to $5,000 and/or imprisonment for up to one year. In addition, disclosure of TSCA Confidential Business Information or violation of the procedures cited above may subject you to disciplinary action with penalties ranging up to and including dismissal.

Each person who is given access to this document must fill in the information below the first time that he/she has access.

LAST NAME	SIGNATURE	EPA ID NO.	DATE

DO NOT DETACH

EPA Form 7710-6 (Rev. 5-80) PREVIOUS EDITION MAY BE USED.

Appendix X

(Actual Size 8½" x 11")

CONFIDENTIALITY AGREEMENT FOR
UNITED STATES EMPLOYEES UPON TERMINATION OR TRANSFER

In accordance with my official duties as an employee of the United States, I have had access to Confidential Business Information under the Toxic Substances Control Act *(TSCA, 15 U.S.C. 2601 et seq.)*. I understand that TSCA Confidential Business Information may not be disclosed except as authorized by TSCA or Agency regulations.

I certify that I have returned all copies of any TSCA Confidential Business Information in my possession to the appropriate document control officer specified in the procedures s t forth in TSCA Confidential Business Information Security Manual.

I agree that I will not remove any copies of TSCA Confidential Business Information from the premises of the Agency upon my termination or transfer. I further agree that I will not disclose any TSCA Confidential Business Information to any person after my termination or transfer.

I understand that as an employee of the United States who has had access to TSCA Confidential Business Information, under section 14*(d)* of TSCA *(15 U.S.C. 2613(d))* I am liable for a possible fine of up to $5,000 and/or imprisonment for up to one year if I willfully disclose TSCA Confidential Business Information to any person.

If I am still employed by the United States, I also understand that I may be subject to disciplinary action for violation of this agreement.

I am aware that I may be subject to criminal penalties under 18 U.S.C. 1001 if I have made any statement of material facts knowing that such statement is false or if I willfully conceal any material fact.

SIGNATURE	DATE
NAME	ID NUMBER

EPA Form 7710-17 (7-78)

Appendix XI

(Actual Size 8½" x 11")

TELEPHONE CONTACT REPORT	DATE	TIME	SUBMTR/ORGANIZATION
NAME OF EPA REP.		TYPE OF CONTACT	
NAME OF SUBMTR/ORGANIZATION		---- TELEPHONE ----MEETING ---- OTHER	
TOPICS COVERED: NOTE ANY RESOLUTIONS AND/OR ADDITIONAL ACTIONS REQUIRED ON THIS FORM			

PAGE _____ OF _____

Appendix XII

(Actual Size 8 1/2" x 11")

TSCA CONFIDENTIAL BUSINESS INFORMATION
MEETING SIGN-IN SHEET

DATE	TIME
MEETING PLACE (*Room, Building, City, State*)	CHAIRPERSON
SUBJECT OF MEETING	

NAME (*Print*)	SIGNATURE	OFFICE/DIVISION/BRANCH	EPA ID NO.

THIS SIGN-IN SHEET MUST BE GIVEN TO THE APPROPRIATE DCO/DCA

EPA Form 7710-44 (8/81)

APPENDIX XIII

FEDERAL REGISTER NOTICE EXAMPLE

ENVIRONMENTAL PROTECTION AGENCY

[ ]

TRANSFER OF DATA TO CONTRACTOR AND SUBCONTRACTOR

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA will transfer to its contractor, , and its subcontractor information which has been or will be submitted to EPA under section 5 of the Toxic Substances Control Act (TSCA). Some of the informatin may be claimed as confidential. These firms will review this information and use it to evaluate the potential economic impacts of regulatory actions taken under section 5 of TSCA.

DATE: The transfer of the confidential data submitted to EPA will occur no sooner than 10 working days after date of publication of this notice in the FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

Edward A. Klein,

Director, TSCA Assistance Office (TS-799)

Office of Toxic Substances,

Environmental Protection Agency,

Rm. E-543,

401 M St., SW.,

Washington, D.C. 20460

Toll-Free: (800-424-9065),

In Washington, D.C.: (554-1404),

Outside the USA: (Operator - 202-554-1404).

SUPPLEMENTARY INFORMATION: Provisions including Executive Order 12291, the Regulatory Flexibility Act, and section 2(b) of TSCA, the Act's general policy statement, require EPA to consider the economic impact of proposed regulatory actions under TSCA. In evaluating the necessity of regulatory actions under TSCA in a given instance, EPA considers economic factors like cahracteristics of a particular market, the availability of substitutes for a substance, and potential uses that could be made of the substance. In evaluating alternative courses of regulaoty action, EPA considers fafctors like the relative cost effectiveness and availability of various control technologies and the practicality of other regulatory options.

Under EPA Contract No.

Washington, D.C., and its subcontractor

will assist the Regulatory Impacts Branch (RIB) of the Office of Toxic Substances in performing regulatory and general economic impact analyses for TSCA regulatory programs.

In accordance with 40 CFR 2.306(j), EPA has determined that

employees may require access to confidential business information (CBI) submitted to EPA under section 5 of TSCA to perform work satisfactorily under the above-noted contract. EPA is issuing this notice to inform all submitters of information under section 5 of TSCA that EPA may transfer to these firms, on a need-to-know basis, confidential business information on specific chemicals that are nder review or are subjects of possible regulatory actions. Upon completing their review of materials submitted for a specific chemical, the firm receiving confidential business information will return all such materials to EPA.

have been authorized to have access to TSCA confidential business information under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. EPA has approved the security plan of its contractors and will inspect the facility and approve it prior to TSCA being transmitted to the contractors. Personnel from these two firms will be required to sign a non-disclosure agreement and be briefed on appropriate security procedures before they are permitted access to confidential information, in accordance with the "TSCA Confidential Business Information Security Manual" and the Contractor Requirements manual.

Dated:_____

_____

Don R. Clay,

Director,

Office of Toxic Substances.

Appendix XIV

(Actual Size 8½" x 11")

U.S. ENVIRONMENTAL PROTECTION AGENCY

SAFE/CABINET SECURITY CHECK SHEET

AFFIX A COPY OF THIS FORM TO EACH CABINET CONTAINING CLASSIFIED MATERIAL OR CONFIDENTIAL BUSINESS INFORMATION

TO LOCK SAFES AND BARRED FILE CABINETS: (a) ROTATE COMBINATION DIAL AT LEAST FOUR (4) COMPLETE REVOLUTIONS. (b) CHECK EACH DRAWER BY DEPRESSING THE THUMB LATCH AND SHAKING THE DRAWER.

MONTH	OFFICE CODE	ROOM NUMBER	CONTAINER NUMBER

DATE	OPENED BY		LOCKED BY		CHECKED BY		GUARD CHECK	
	INITIALS	TIME	INITIALS	TIME	INITIALS	TIME	INITIALS	TIME
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FORWARD COMPLETED FORM TO LOCAL EPA SECURITY OFFICER

EPA Form 1480-12 (Rev. 3-80) PREVIOUS EDITION MAY BE USED UNTIL SUPPLY IS EXHAUSTED

Appendix XV

(Actual Size 8½" x 11")

REQUEST FOR APPROVAL OF CONTRACTOR ACCESS TO TSCA CONFIDENTIAL BUSINESS INFORMATION

Requesting Official*	Signature	Date

Title and Office

Contractor and contract number (if modification)

I. Brief description of contract, including purpose, scope, length, and other important details. (Continue on the back of this form if necessary.)

II. What TSCA CBI will be required, and why? (Continue on back if necessary.)

III. Will computer access to TSCA CBI be required by the contract? If so, explain why and to what extent on the back of this form.

If you approve this request, this office will initiate procedures to ensure compliance with the "TSCA CBI Security Manual" and "Contractor Requirements for the Control and Security of TSCA Confidential Business Information."

*Must be Division Director (or equivalent) or above.

Office Director for
Toxic Substances

Approved _____

Date _____

EPA Form 7710-15a (9-81)

Appendix XVI

(Actual Size 6½" x 4")

LOAN RECEIPT FOR
TSCA CONFIDENTIAL BUSINESS INFORMATION

I acknowledge receipt of TSCA Confidential Business Information Document(s) listed below:

1a. DOCUMENT CONTROL NO.	1b. COPY NO.	6a. DOCUMENT CONTROL NO.	6b. COPY NO.
2a. DOCUMENT CONTROL NO.	2b. COPY NO.	7a. DOCUMENT CONTROL NO.	7b. COPY NO.
3a. DOCUMENT CONTROL NO.	3b. COPY NO.	8a. DOCUMENT CONTROL NO.	8b. COPY NO.
4a. DOCUMENT CONTROL NO.	4b. COPY NO.	9a. DOCUMENT CONTROL NO.	9b. COPY NO.
5a. DOCUMENT CONTROL NO.	5b. COPY NO.	10a. DOCUMENT CONTROL NO.	10b. COPY NO.

I understand that I am responsible for protecting these data in accordance with the *TSCA Confidential Business Information Security Manual*. Also that I am liable for a fine of up to $5,000 and / or imprisonment up to 1 year if I willfully disclose it to any unauthorized person. I may also be subject to disciplinary action up to and including dismissal for any violation of procedures for safeguarding these data.

NAME OF RECIPIENT	SIGNATURE OF RECIPIENT
NAME OF LOANER	DATE DOCUMENT(S) RECEIVED

EPA Form 7710-14 (Rev. 9/81)

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